

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUZ MARIA DE LA CRUZ, on behalf of
herself and all others similarly situated,

Plaintiff,

COURT FILE NO. 1:17-cv-9931
Hon. Judge Paul G. Gardephe

v.

FINANCIAL RECOVERY SERVICES, INC.;
and JOHN DOES 1-25,

Defendant.

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MOTION FOR DISMISSAL PURSUANT TO FED. R. CIV. P. 12(b)(6)

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Financial Recovery Services, Inc. (“FRS”) moves this Honorable Court for an Order dismissing Plaintiff’s Complaint and all claims alleged therein for lack of standing and for failure to state a claim upon which relief may be granted.

This motion is based upon the accompanying memorandum of law, together with any argument of counsel and all of the files, records and proceedings herein, with prejudice.

Respectfully submitted,

MOSS & BARNETT

Dated: May 11, 2018

By: s/Michael T. Etmund

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2018, the foregoing document was served via U.S. mail, pursuant to the Honorable Judge Paul G. Gardephe's Individual Rules of Practice in Civil Cases, upon the following parties and participants:

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/s/ Michael T. Etmund

Michael T. Etmund